**Attorney Docket No.: P-9568-US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| Applicant(s): | GILL, Yoram | Examiner: | HYLTON, ROBIN ANNETTE |
| Serial No.: | 09/989,334 | Group Art Unit: | 3781 |
| Filed: | November 20, 2001 | | |
| Title: | SEALING DEVICE FOR FLEXIBLE LIQUID CONTAINER | | |

**DECLARATION OF Yoram Gill**

I, the undersigned, Yoram Gill submit this declaration in support of the Request for Continued Examination in the above-referenced file. The below statements are true and accurate based on personal knowledge, or upon information and belief:

1. I am the sole inventor of the invention which is the subject of the present invention.
2. I am the founder (almost twenty years ago) and I have been managing Source Vagabond Systems LTD., an Israeli based firm that manufactures adventure sandals, hydration systems and travel accessories. Our company sells these products worldwide, including in Europe, the US and the Far East.
3. I am well acquainted with the state-of-the-art, and am familiar with competing products, as well as patents in this field.
4. The present application relates to a sealing device for a container, a container with a sealer device and a method for sealing a container.
5. The container with the sealer, which we have been selling for a few years now are very popular with our clients.

6. The sealing effectiveness is remarkable, and our clients commend this product for that.

7. In order to demonstrate the sealing effectiveness we have produces a container which does not serve as a hydration system with the sealer and gave it to scuba divers, who in many instances leave their car keys, cellular phone and other valuables on shore when going diving. The divers were reluctant at first, influenced by the fear of damaging these valuables, but the container remained sealed even when diving deep and the divers in this experiment were very impressed with the sealing effectiveness of the product.

8. The Examiner cited two references against the patentability of the present invention: Dikeman (US 5,931,456) and Senanayake (WO 92/16424).

9. In my humble opinion the subject of the present invention cannot be considered obvious in view of these references.

10. Dikeman's device employs a closure assembly which has an Omega-shaped cross-section. He describes that "as illustrated in Fig. 8, the closure assembly is placed in the sealed position by positioning the container between the channel element 68 and the rod element 70 and **forcing** the body 80 of the rod element and the material of the container past the opening 76 into the channel 74 along the length of the channel" (col. 4 line 66 – col. 5 line 4).

11. I believe that his sealer (the closure device) is inferior to the sealer of the present invention. Constant **forcing** of the rod in and out of the closure is not practical and bound to inflict irrecoverable damage to the closure, as it is deformed constantly. Furthermore, in order to be able to use Dikeman's closure device the closure must be flexible enough to allow the lips of the closure to retract and let the rod when forced in. This will dramatically reduce the level of sealing and may consequently result in a product that would most likely leak when used.

12. Senanayake explains in his disclosure (page 4 lines 5-9) that "we provide a sack closure device which includes a first member having sheet material deforming means,

a second member having deformed sheet material receiving means and a third member adapted to hold the first and second members together".

13. It is evident that in this case the effectiveness of the sealing greatly depends on the third member (shown in the form of a clip in Senenayake's disclosure). Repeated engaging and disengaging of the clip too will greatly degrade the sealing effectiveness of the device.

14. In our device repeated use does not degrade the effectiveness of the sealing. The sealer is made from rigid material, and is not deformed while being used. Its design allows its sliding sideways along the rod with the container folded over the rod, for complete and effective sealing.

Conclusion

15. Sealing closures are known but not all are effectively sealing the container to which they are applied.

16. The sealing device of the present invention and the container with sealing device (and method thereon) of the present invention are novel and are not obvious over the prior art cited by the Examiner. There is a real need for improved sealing of containers, especially, but not only, for hydration systems. The present invention answers this need.

Signed: Yoki Gill
GILL, Yoram

Dated: 21 SEP 2008